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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,487	08/01/2001	Joseph Bryan Lyles	1290	7104

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EXAMINER

CHANDRASEKHAR, PRANAV

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 04/19/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,487

Applicant(s)

LYLES, JOSEPH BRYAN

Examiner

Pranav Chandrasekhar

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 18 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. As per Claims 18 and 36, the limitation "second processor" is recited in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,3,19 and 21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Sheynblat et al [US Pat No. 6,314,308].

4. As per claims 1 and 19, Sheynblat teaches
a network interface configured to exchange digital communication signals with
the communication network [col. 2 lines 1-6; col. 12 lines 10-15. The communication

Art Unit: 2115

device comprises a GPS receiver and hence is an integral part of a communications network. Hence, it is evident that it contains a network interface for exchange of digital communication signals with the communications network.];

power control circuitry configured to detect a low power condition and generate a power control signal in response to the lower power condition [col. 4 lines 19-22; col. 6 lines 5-15; col. 6 lines 29-32. A battery level lower than the predetermined threshold is viewed as characteristic of a lower power condition]; and

a first processor connected to the power control circuitry and the network interface and configured to exchange first communication signals between the network interface and an analog telephone interface or a digital computer interface, receive the power control signal, and process the power control signal to lower power consumption of the communication device [col. 6 lines 5-15; col. 6 lines 29-32; col. 2 lines 1-6. The processor is an inherent feature of the communication device. Furthermore, it is evident that it facilitates exchange of communication signals between the network interface and telephone interface (thus implying that it is connected to both) since the device comprises a GPS receiver, which is an integral part of a communications network.]

5. As per claims 3 and 21, Sheynblat further teaches the first processor being configured to change a power mode of the first processor to lower power consumption [col. 6 lines 29-32. The transition of the cellular telephone to a low power mode is viewed as being triggered by the processor].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheynblat et al [US Pat No. 6,314,308] in view of Barber et al [US Pat No. 6,240,521].

7. As per claims 2 and 20, Sheynblat does not explicitly teach a second processor connected to the power control circuitry and configured to exchange second communication signals between the network interface and the analog telephone interface or the digital computer interface, receive the power control signal, and receive control from the first processor in response to the power control signal wherein the second processor has a lower power consumption than the first processor.

Barber teaches a second processor that has a lower consumption than the first processor wherein only one of the processors is active at a time. The second processor performs functions in response to a control signal from the first processor [col. 1 lines 41-46; col. 2 lines 13-30].

It would have been obvious to one skilled in the art to combine the teachings of Sheynblat and Barber to incorporate a second processor to perform similar functions but at a lower level of power consumption in order to enable the device to contain

processor from different manufacturers and having different characteristics yet being able to perform the same function as the first processor.

8. Claims 4-18 and 22-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheynblat et al [US Pat No. 6,314,308].

9. As per claims 4 and 22, Sheynblat does not explicitly teach an analog interface connected to the first processor and exchanging first communication signals between the network interface and a telephone link; and the digital computer interface connected to the first processor and configured to exchange the first communication signals between the network interface and a computer link.

It would have been obvious to one skilled in the art to modify the teachings of Sheynblat to facilitate exchange of communication signals between a network interface and a telephone link because the communication device is a cellular telephone, which is an integral part of a communications network wherein there must be an exchange of signals between its telephone link and the network interface in order for it to function correctly. It would be advantageous to allow for a similar exchange between the network interface and a computer link via a digital computer interface.

10. As per claims 5 and 23, Sheynblat does not explicitly teach the analog telephone interface being configured to receive the power control signal and power down a telephone line based on the power control signal.

It would have been obvious to one skilled in the art to modify the teachings of Sheynblat to configure the analog telephone interface to power down a telephone line

Art Unit: 2115

based on a power control signal indicative of a low power condition in order to eliminate wasteful and incomplete transmission of signals through the telephone as a result of a low power condition.

11. As per claims 6 and 24, Sheynblat does not explicitly teach the digital computer interface being configured to receive the power control signal and power down the digital computer interface based on the power control signal.

It would have been obvious to one skilled in the art to modify the teachings of Sheynblat to enable the digital computer interface to power down the digital computer interface in response to a power control signal indicative of a low power condition in order to eliminate wasteful transmission of signals through the digital computer interface as a result of a low power condition.

12. As per claims 7 and 25, Sheynblat does not explicitly teach the network interface being configured to receive the power control signal and lower the transmission rate to support voice communications based on the power control signal.

It would have been obvious to modify the teachings of Sheynblat to enable the network interface to lower the transmission rate to support voice communications in response to a power control signal indicative of a low power condition since a high transmission rate would increase power consumption and thus decrease the duration for which the power supply can supply power to the communication device.

13. As per claims 8 and 26, Sheynblat does not explicitly teach the first processor being configured to power down the network interface based on the power control signal.

It would have been obvious to one skilled in the art to modify the teachings of Sheynblat to enable the first processor to power down the network interface in response to a power control signal indicative of a low power condition in order to eliminate wasteful transmission of communication signals via the interface due to the low power condition.

14. As per claims 9 and 27, Sheynblat does not explicitly teach the first processor being configured to power up a low power interface configured to exchange voice communication with the communication network wherein the low power interface has a lower power consumption than the network interface.

It would have been obvious to one skilled in the art to modify the teachings of Sheynblat to provide another interface having a lower power consumption than that of the network interface to facilitate exchange of voice communication with the communication network to conserve power.

15. As per claims 10 and 28, Sheynblat does not explicitly teach the low power indication to be the failure of an AC power supply.

It would have been obvious to one skilled in the art to modify the teachings of Sheynblat to use an AC power supply as a power source and provide a low power indication in response to its failure since AC power supplies are well known in the art and are commonly used.

16. As per claims 11 and 29, Sheynblat does not explicitly teach the low power indication to be the failure of a DC power supply.

It would have been obvious to one skilled in the art to modify the teachings of Sheynblat to use a DC power supply as a power source and provide a low power indication in response to its failure since DC power supplies are well known in the art and are commonly used.

17. As per claims 12 and 30, Sheynblat does not explicitly teach the network interface to be a digital subscriber line interface.

It would have been obvious to one skilled in the art to modify the teachings of Sheynblat to enable the network interface to be a digital subscriber line interface since digital subscriber lines are a commonly used in communication networks.

18. As per claims 13 and 31, Sheynblat teaches the power control circuitry to detect a high power condition [col. 6 lines 5-15].

Sheynblat does not explicitly teach generating a high power signal in response to a high power condition.

It would have been obvious to one skilled in the art to generate a high power signal in response to a high power condition in order to indicate that there is no requirement for the consumption of power to be lowered in the communication device.

19. As per claims 14 and 32, Sheynblat does not explicitly teach the analog telephone interface being configured to receive a high power signal and power up a telephone line based on the high power signal.

It would have been obvious to one skilled in the art to modify the teachings of Sheynblat to power up a telephone line in response to receiving a high power signal

Art Unit: 2115

since the communication device will have sufficient power to support transmission of communication signals along the telephone lines.

20. As per claims 15 and 33, Sheynblat does not explicitly teach the digital computer interface being configured to receive a high power signal and power up the digital computer interface based on the high power signal.

It would have been obvious to one skilled in the art to modify the teachings of Sheynblat to power up a digital computer interface in response to receiving a high power signal since the communication device will have sufficient power to support transmission of communication signals via a digital computer interface.

21. As per claims 16 and 34, Sheynblat does not explicitly teach the network interface being configured to receive a high power signal and increasing the transmission rate to support voice communications based on the high power signal.

It would have been obvious to one skilled in the art to modify the teachings of Sheynblat to enable the network interface to increase the transmission rate to support voice communications in response to a high power signal since the power signal is indicative of a condition that supports high transmission rates.

22. As per claims 17 and 35, Sheynblat does not explicitly teach the first processor being configured to change to a higher consumption power mode based on the high power signal.

It would have been obvious to one skilled in the art to modify the teachings of Sheynblat to enable the first processor to change to a higher consumption power mode

in response to a high power signal since it would enable processing to be executed faster.

23. As per claims 18 and 36, Sheynblat does not explicitly teach a second processor being configured to change to a higher consumption power mode based on the high power signal.

It would have been obvious to one skilled in the art to modify the teachings of Sheynblat to incorporate a second processor to change to a higher consumption power mode based on a high power signal to facilitate the use of a different type of processor performing similar functions as a first processor within the communication device.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

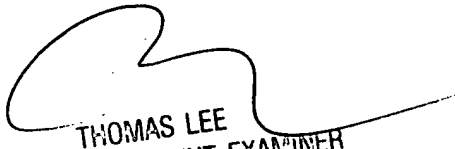
25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pranav Chandrasekhar whose telephone number is 703-305-8647. The examiner can normally be reached on 8:30 a.m.-5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 703-305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Art Unit: 2115

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2100.

Pranav Chandrasekhar
April 14, 2004



THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100